

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lindsay Broughel	Team: Team # 8	CCRB Case #: 200807251	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/21/2008 4:30 PM	Location of Incident: 65th Street and 8th Avenue	Precinct: 68	18 Mo. SOL 11/21/2009	EO SOL 11/21/2009	
Date/Time CV Reported Wed, 05/21/2008 4:48 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/21/2008 4:48 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Qamar Zaman	02965	942738	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Qamar Zaman	Abuse: PO Qamar Zaman stopped the car in which § 87(2)(b) was an occupant.	
B.POM Qamar Zaman	Discourtesy: PO Qamar Zaman spoke rudely to § 87(2)(b)	
C.POM Qamar Zaman	Abuse: PO Qamar Zaman stopped the car in which § 87(2)(b) was an occupant.	
§ 87(4-b) § 87(2)(g)		

## Synopsis

On May 21<sup>st</sup>, 2008 § 87(2)(b) was driving north on 8<sup>th</sup> Avenue in Brooklyn. He was pulled over by a marked patrol car between 65<sup>th</sup> Street and 64<sup>th</sup> Street on 8<sup>th</sup> Avenue (**Allegation A**). PO Qamar Zaman from the 68<sup>th</sup> Precinct approached the car and asked § 87(2)(b) for his license, registration, and insurance. PO Zaman asked § 87(2)(b) if he had been wearing his seatbelt, to which § 87(2)(b) responded “yes.” PO Zaman left § 87(2)(b)’s vehicle and returned to his patrol car. When PO Zaman returned to § 87(2)(b)’s vehicle he handed him a summons for not wearing a seatbelt. § 87(2)(b) asked PO Zaman why he had asked him if he had been wearing a seatbelt if he was going to write a summons anyway. PO Zaman then allegedly responded, “Do you want to be a smart ass?” (**Allegation B**). § 87(2)(b) told PO Zaman that he thought that he should have better things to do than stop him for not wearing a seatbelt. PO Zaman told § 87(2)(b) that he could challenge his summons in court and handed him the summons, his license, and his registration. PO Zaman left § 87(2)(b)’s car and went back to his patrol car. § 87(2)(b) pulled back onto the street.

Within about 30 seconds, PO Zaman pulled over § 87(2)(b) a second time (**Allegation C**). PO Zaman approached § 87(2)(b)'s vehicle and asked him for his license and registration and asked § 87(2)(b) why he was driving in a reckless manner. PO Zaman subsequently issued § 87(2)(b) a criminal court summons for § 87(2)(b).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

This case was reassigned to Investigator Broughel on October 8<sup>th</sup>, 2008 following the resignation of the previously assigned investigator, Investigator Nyanteh. In addition, § 87(2)(b) initially agreed to send his case to mediation, however, it was later returned to the Investigation Unit § 87(2)(g)

### Summary of Complaint

On May 21<sup>st</sup>, 2008 § 87(2)(b) made a phone statement when filing his initial complaint with the CCRB (Encl. 5b). On May 23<sup>rd</sup>, § 87(2)(b) provided an additional phone statement to Investigator Nyanteh regarding the incident on May 21<sup>st</sup>, 2008 (Encl. 6). On October 31<sup>st</sup>, 2008 § 87(2)(b) a § 87(2)(b) old Asian male who is about 5' 10" tall and weighs about 200 lbs was interviewed at the CCRB (Encl. 7a-7b). § 87(2)(g)

On May 21<sup>st</sup>, 2008, at approximately 4:20pm § 87(2)(b) was pulled over on 8<sup>th</sup> Avenue between 64<sup>th</sup> Street and 63<sup>rd</sup> Street in Brooklyn by a marked patrol car with RMP number 2477 (**Allegation A**). § 87(2)(b) described the car he was driving as a black Infiniti RX 350, New York License Plate number § 87(2)(b) with tinted side windows that obscure the interior of the car. PO1, subsequently identified as PO Zaman by the summons § 87(2)(b) received, approached the vehicle and asked § 87(2)(b) for his license and registration. PO Zaman then asked § 87(2)(b) if he had been wearing his seatbelt, to which § 87(2)(b) responded, “Yes.” At this time, § 87(2)(b) was not wearing his seatbelt. During his official statement, § 87(2)(b) claimed that he had been wearing his seatbelt while driving, but had taken it off after pulling over in order to retrieve his license and registration from the glove compartment. However, when filing the initial complaint § 87(2)(b) stated that he did not know whether he had been wearing his seatbelt while driving or not. PO Zaman went back to his vehicle and wrote § 87(2)(b) a summons for driving without a seatbelt. PO Zaman gave § 87(2)(b) the ticket, and § 87(2)(b) said, “Why did you even ask me [if I was wearing a

seatbelt] if you were going to write me a ticket anyway?” § 87(2)(b) said that PO Zaman began acting out of control, with his eyes open, his voice raised, and his hands shaking. PO Zaman allegedly said, “Do you want to be a smartass?” (**Allegation B**). § 87(2)(b) did not respond. PO Zaman went back to his vehicle and § 87(2)(b) allegedly drove slowly back into the street, pressing the gas pedal a little bit.

Within 30 seconds, less than one block away from the first stop, PO Zaman pulled over § 87(2)(b) a second time (**Allegation C**). PO Zaman approached the car and issued § 87(2)(b) a summons for § 87(2)(b). No words were exchanged between him and PO Zaman during the second stop. § 87(2)(b) claimed in his official statement that he did not drive in a way that could have been perceived as reckless. Immediately following the second stop, § 87(2)(b) called the CCRB to file a complaint.

## **Results of Investigation**

### **Officer Statements- PO Zaman**

#### **Summons for Driving without a Seatbelt**

On May 21<sup>st</sup>, 2008 § 87(2)(b) was issued summons § 87(2)(b) at 4:25pm by PO Zaman, Tax # 942738 for no seat belt (Encl. 9a).

#### **Summons for § 87(2)(b)**

On May 21<sup>st</sup>, 2008 § 87(2)(b) received criminal court summons § 87(2)(b) at 4:30pm by PO Zaman for § 87(2)(b) (Encl. 9b).

#### **PO Zaman’s Memo book**

PO Qamar Zaman’s memo book did not have any entries regarding this incident. The entry confirmed that PO Zaman worked a tour from 1500 x 2335 for the 68<sup>th</sup> Precinct on May 21<sup>st</sup>, 2008 (Encl. 10a-10b).

### **CCRB Statement**

On December 5<sup>th</sup>, 2008 Officer Qamar Zaman was interviewed at the CCRB (Encl. 8a-8b). On May 21<sup>st</sup>, 2008 PO Zaman worked a tour from 15:00 to 23:35 hours and was assigned to summons auto for the 68<sup>th</sup> Precinct. PO Zaman was in uniform and working alone on the date of the incident. PO Zaman is a § 87(2)(b) old Asian male who stands 6’1” tall and weighs 210 lbs. He has black hair and brown eyes. He did not have any memo book entries related to this incident.

On May 21<sup>st</sup>, 2008 at approximately 4:30pm, PO Zaman was parked at a gas station on the corner of 65<sup>th</sup> Street and 8<sup>th</sup> Avenue. At a red light, a car pulled up to the left of PO Zaman’s patrol car. PO Zaman observed that the driver, § 87(2)(b) was not wearing a seatbelt. When the light turned green, PO Zaman pulled him over. PO Zaman approached the driver’s side of the vehicle and § 87(2)(b) asked him, “What did you pull me over for?” PO Zaman asked § 87(2)(b) for his license, registration, and insurance. § 87(2)(b) said in a rude manner, “What, you guys have nothing better to do?” PO Zaman told § 87(2)(b) that he did not have to raise his voice to him and asked again for § 87(2)(b)’s license and registration. § 87(2)(b) got the registration out of the glove compartment and retrieved his license from his pocket. PO Zaman asked him “Any reason why you didn’t have your seatbelt on?” § 87(2)(b) was not wearing his seatbelt at the time, however, he claimed that he had it on but had just taken it off after being pulled over. PO Zaman said to § 87(2)(b) that he had observed him driving without a seatbelt. PO Zaman described this conversation as calm, but when § 87(2)(b) began to raise his voice he told § 87(2)(b) that he did not have to scream.

PO Zaman went back to his patrol car and wrote the summons. When he returned, he told § 87(2)(b) that if he wanted to dispute the summons he could plead not guilty and appear in court. § 87(2)(b) complained that PO Zaman should be arresting killers.

As PO Zaman was getting back into his patrol car, he heard the tires of § 87(2)(b)'s car spinning on the gravel on the street. PO Zaman turned to look and saw a pedestrian standing about 50 feet from the corner of 65<sup>th</sup> street trying to cross the street. § 87(2)(b)'s vehicle almost hit the pedestrian. PO Zaman heard the pedestrian, an older Chinese woman, yell "you almost killed me!" as she jumped back towards the sidewalk. PO Zaman got back into his car and pulled over § 87(2)(b) again. PO Zaman approached § 87(2)(b)'s car and asked "is there any reason why you are driving like that?" § 87(2)(b) said "Why are you stopping me, why are you picking on me?" PO Zaman asked § 87(2)(b) for his license and registration and upon receiving them, returned to his patrol car and wrote a criminal court summons for § 87(2)(a) 160.50. PO Zaman returned to § 87(2)(b)'s car and handed him the summons and told him that he would have to appear in court for the summons, and that if he did not like it he could plead not guilty. § 87(2)(b) did not respond.

## **Police Documents**

### **Roll Call**

The Roll Call for the 68<sup>th</sup> Precinct on May 21<sup>st</sup>, 2008 indicated that PO Zaman was assigned to Summons Auto for Tour 3 (Encl 11a-11f).

### **Disposition of the Summonses**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Record of Civil Law Suit**

There is no notice of claim on file for § 87(2)(b) regarding this incident. (Encl. 13)

### **Conviction History of Complainant**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **CCRB History of PO Qamar Zaman**

In his two year tenure in the NYPD, PO Zaman has no substantiated allegations in his CCRB history. (Encl 3)

## **Conclusions and Recommendations**

### **Officer Identification**

§ 87(2)(b) obtained PO Zaman's name and tax number from the summonses (§ 87(2)(b) and § 87(2)(b)) he received. PO Zaman acknowledged in his CCRB interview that he was the officer that pulled over and issued a summons to § 87(2)(b) on two occasions on May 21<sup>st</sup>, 2008 at about 4:30pm. § 87(2)(g)

### **Undisputed Facts**

It is undisputed that PO Zaman pulled over § 87(2)(b) at approximately 4:30pm on May 21<sup>st</sup> and issued him a summons for not wearing a seatbelt. PO Zaman and § 87(2)(b) both stated in their CCRB interviews that when PO Zaman approached § 87(2)(b)'s car during the first stop, § 87(2)(b) was not

wearing his seatbelt. In addition, it is undisputed that PO Zaman pulled over § 87(2)(b) a second time within a minute from the first stop and issued him a summons for § 87(2)(a) 160.50.

### Disputed Facts

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Assessment of Evidence

PO Zaman indicated that he observed that § 87(2)(b) not wearing his seatbelt while § 87(2)(b) argued that he has been wearing his seatbelt while driving, but had removed it after pulling over to get his license and registration from the glove compartment. § 87(2)(g)

[REDACTED]  
[REDACTED] When filing the initial complaint, § 87(2)(b) claimed that he did not know whether he had been wearing his seatbelt prior to being pulled over, whereas during his official statement he claimed he had been wearing his seatbelt, but removed it after being pulled over. § 87(2)(b) admitted in his official statement that he was not wearing his seatbelt at the time that PO Zaman first approached his vehicle. While § 87(2)(b) did claim that the side windows of his vehicle were tinted on both the passenger and driver's side, PO Zaman indicated that § 87(2)(b) had pulled up next to his vehicle, so that the two cars were less than a car width apart. § 87(2)(g)

[REDACTED]  
§ 87(2)(b) stated that he challenged the summons in court, however, the charge was upheld and § 87(2)(b) was convicted and fined. § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(b) alleged that PO Zaman referred to him as a “smartass” when interacting with him during the first stop. PO Zaman denied that this allegation occurred. § 87(2)(g)  
[REDACTED]

[REDACTED] also disputed the second stop, claiming in his CCRB statement that he pulled back into the street by pressing on the gas pedal of his vehicle a little bit. He also indicated in his initial complaint that he did not speed away after the first stop. PO Zaman stated that when § 87(2)(b) pulled back into the street following the first vehicle stop his tires peeled and he nearly hit a pedestrian. This pedestrian also exclaimed, “You almost hit me!” § 87(2)(g)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Allegation A. PO Zaman stopped § 87(2)(b)

§ 87(2)(g)  
According to Barry Kamin's *Search and Seizure*, Vehicle and traffic violations, including failure to wear a seatbelt while driving a motor vehicle, justify the stop of a vehicle (Encl. 1a-c). § 87(2)(g)  
[REDACTED]

**Allegation B. PO Zaman spoke rudely to § 87(2)(b)**

§ 87(2)(g)  
[Redacted]  
[Redacted]

**Allegation C. PO Zaman stopped § 87(2)(b)**

§ 87(2)(g)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

§ 87(4-b) § 87(2)(g)  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: